

Jane Elizabeth TATESON
Serial No. 10/585,890
July 13, 2009

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested. Currently, claims 1-20 are pending in this application.

REQUEST TO ACKNOWLEDGE APPLICANT'S CLAIM FOR FOREIGN PRIORITY AND RECEIPT OF PRIORITY DOCUMENT:

Applicant requests that the next Office Action acknowledge applicant's claim for foreign priority and receipt of certified priority documents (which is believed to have been properly received during the International Phase of the present application at WIPO).

REQUEST TO ACKNOWLEDGE ACCEPTANCE OF DRAWINGS:

Applicant submitted four (4) sheets of annotated drawings illustrating Figs. 1-4 in the Amendment filed January 16, 2009. Applicant requests that the next Office Action acknowledge receipt and acceptance of these drawing sheets.

REJECTIONS UNDER 35 U.S.C. §102 AND 103:

The rejection of claims 1, 4-10 and 13-17 under 35 U.S.C. §102 as allegedly anticipated by Wan '024 is respectfully traversed.

Anticipation under Section 102 of the Patent Act requires that a prior art reference disclose every claim element of the claimed invention. See, e.g., *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1574 (Fed. Cir. 1986). Wan fails to disclose every claim element of the claimed invention. For example, Wan

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fails to disclose "means for determining the values of the property being measured by devices similar to said sensor device; and means for adjusting the periodicity of measurement according to the values the sensor has measured and the measured values received from the devices similar to said sensor device," as required by independent claim 1 and its dependents. Wan also fails to disclose "transmitting the values of the property being measured by each device from each device to one or more other devices, and adjusting the periodicity of measurement of each device according to the values it has measured and the values it has received from the one or more other devices," as required by independent claim 10 and its dependents.

Independent claims 1 and 10 require that a sensor device determines the values of the property being measured by similar devices. The Office Action alleges that the claimed sensor device is disclosed by Wan's mobile device. Page 7, last sentence of the specification further alleges that the claimed "similar devices" (now "devices similar to said sensor device" in claim 1) are disclosed by Wan's base stations (i.e. devices similar to each other) rather than by further mobile devices (i.e. similar to the device which is the subject of the claim).

The Office Action thus alleges that the claimed sensor device is disclosed by Wan's mobile device, whereas the claimed similar devices are disclosed by Wan's base stations (rather than Wan's other mobile devices). However, as one of ordinary skill in the art would clearly understand, a base station is not a similar device as a mobile device – even given a broadest reasonable interpretation.

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Moreover, even if Wan's base station and mobile device were similar devices, the claimed arrangement would still not be anticipated by Wan. In particular, use of the Office Action's (incorrect) interpretation would require that Wan's mobile device can determine the values of the property being measured by base stations (i.e., the alleged similar devices) for Wan to anticipate claims 1 and 10.

However, Wan does not disclose nor suggest this. Wan's mobile device only measures the strength of signals received from the base stations, and indeed the rate of change of such properties. There is no disclosure or suggestion that Wan's base stations transmit, to Wan's mobile device, the results of measurements they have themselves taken. Indeed, there is no disclosure or suggestion in the cited passages of Wan of the base stations taking any such measurements in the first place. In Wan, the base stations play no part in the process Wan describes other than to generate the signals which are scanned by the mobile device. In particular, Wan's reference to "adjusting the scanning rate of the neighbouring cells" (paragraph 86 and Figure 5, step 530) clearly refers to a process performed by the mobile device, in which it changes the rate at which it scans the cells, and not a process performed by the cells themselves.

The mobile device of Wan therefore uses no measurements other than those it has generated itself. Wan therefore fails to disclose determination of values of the property that have been measured by other devices, as required by claims 1 and 10. This is the case regardless of whether these claims are interpreted such that those

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other devices are different from the subject device but similar to each other (as suggested by the Office Action).

The rejection of claims 2-3, 11-12 and 18 under 35 U.S.C. §103 as allegedly being made "obvious" based on the same single Wan reference is also respectfully traversed – for reasons already noted above with respect to parent claims 1 and 10. Once again, given such fundamental deficiencies of Wan, it is not necessary at this time to detail additional deficiencies of this reference with respect to other aspects of the rejected claims. Suffice it to note that, as a matter of law, it is impossible to support even a *prima facie* case of obviousness with respect to any claim unless the prior art at least teaches or suggests every feature of the rejected claims.

NEW CLAIMS:

New claims 19-20 have been added. These claims are deemed allowable for at least the above reasons with respect to their respective base independent claims. Moreover, these claims require that the devices are each mobile devices. In contrast, the base stations Fig. 2 of Wan are non-mobile.

CONCLUSION:

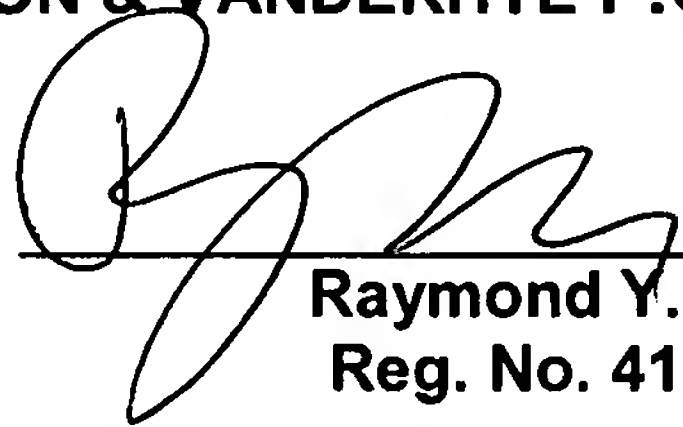
Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

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Respectfully submitted,

NIXON & VANDERHYTE P.C.

By:

A handwritten signature in black ink, appearing to be 'R. Mah', written over a horizontal line.

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